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-2-

REMARKS

In the Office Communication, it is stated that "[t]he reply filed on 9/17/2001 is not fully responsive to the prior Office Action because . . . the amendment does not contain a clean set of claims" as required by 37 C.F.R. § 1.121 and correction is required. It is believed that the requirement was issued in error. Specifically, no reply was filed on September 17, 2001. The most recent Amendment was a "Second Preliminary Amendment," which was filed concurrently with a "Reply to Notice to File Missing Parts of Application (CPA)" on September 26, 2000. The provisions of 37 C.F.R. § 1.121 as amended by the "Changes to Implement the Patent Business Goals," 65 F.R. 54604 (Final Rule), became effective on November 7, 2000, after the Second Preliminary Amendment was filed. Moreover, as stated in the final rule, "Amendments in compliance with former § 1.121 will be accepted until March 1, 2001" (65 F.R. at 54604). Accordingly, it is believed that the Second Preliminary Amendment filed on September 26, 2000 was in compliance with the requirements of 37 C.F.R. § 1.121 then in effect, was fully responsive and that the Office Communication was issued in error. Reconsideration and further examination are requested.

CONCLUSION

It is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Helen E. Wendler

Helen E. Wendler

Registration No. 37,964

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: Nov. 15, 2001